FILED

UNITED STATES DISCTRICT COURT
SOUTHERN DISTRICT OF CALIFORNIA

07 DEC 21 AM 9:59

UNITED STATES OF AMERICA, Plaintiff, v. **Cecilia Lisbeth MUNOZ** Defendant.	Magistrate Case No. '07 MJ 2949
	COMPLAINT FOR VIOLATION OF
	Title 8, U.S.C., Section 1324(a)(2)(B)(ii)- Bringing in Illegal Alien for Financial Gain Title 18, U.S.C., Section 911-False Claim to Citizenship

The undersigned complainant being duly sworn states:

Count I

On or about **December 19, 2007**, within the Southern District of California, defendant **Cecilia Lisbeth MUNOZ**, with the intent to violate the immigration laws of the United States, knowing and in reckless disregard of the fact that an alien, namely, **G.F.** (a minor female), had not received prior official authorization to come to, enter and reside in the United States, did bring to the United States said aliens for the purpose of commercial advantage and private financial gain; in violation of Title 8, United States Code, Section 1324(a)(2)(B)(ii), and Title 18, United States Code, Section 2.

Count II

On or about **December 19, 2007**, within the Southern District of California, defendant **Cecilia Lisbeth MUNOZ**, did falsely and willfully represent to Department of Homeland Security, Bureau of Customs and Border Protection Officer W. Rivera a person having good reason to inquire into the nationality status of an applicant for admission that **G.F.** (a minor female) was a citizen of the United States; whereas, in truth and fact, as the Defendant then and there well knew, **G.F.** was not a citizen of the United States; in violation of Title 18, United States Code, Section 911.

Count III

On or about **October 15, 2007**, within the Southern District of California, defendant **Cecilia Lisbeth MUNOZ**, did falsely and willfully represent to Department of Homeland Security, Bureau of Customs and Border Protection Officer R. Reyes a person having good reason to inquire into the nationality status of an applicant for admission that **C.N.** (a minor male) was a citizen of the United States; whereas, in truth and fact, as the Defendant then and there well knew, **C.N.** was not a citizen of the United States; in violation of Title 18, United States Code, Section 911.

Count IV

On or about **August 31, 2007**, within the Southern District of California, defendant **Cecilia Lisbeth MUNOZ**, did falsely and willfully represent to a Department of Homeland Security, Bureau of Customs and Border Protection Officer, a person having good reason to inquire into the nationality status of an applicant for admission that **A.** (a minor female) was a citizen of the United States; whereas, in truth and fact, as the Defendant then and there well knew, A. was not a citizen of the United States; in violation of Title 18, United States Code, Section 911.

And the complainant states that this complaint is based on the attached statement of facts, which is incorporated herein by reference.

SIGNATURE OF COMPLAINANT
Sara Esparagoza, U.S. Customs and Border Protection Enforcement Officer

SWORN TO BEFORE ME AND SUBSCRIBED IN MY PRESENCE, THIS **21st** DAY OF **DECEMBER** 2007.

UNITED STATES MAGISTRATE JUDGE

PROBABLE CAUSE STATEMENT

On December 19, 2007, at approximately 7:17 PM, **Cecilia Lisbeth MUNOZ**, henceforth referred to as Defendant, applied for admission into the United States, by foot, from Mexico through the pedestrian area of the San Ysidro, California Port of Entry. **G.F.**, a two year old minor female, accompanied the defendant. Defendant presented herself and the minor child for inspection before a Customs and Border Protection (CBP) Officer.

Defendant declared herself and the child to be citizens of the United States. Defendant produced a valid State of California Identification Card and a California birth certificate as evidence of identity for herself and the child, respectively. Defendant also claimed the child to be her daughter. The Officer conducted a primary examination and concluded the child's citizenship to be suspect and referred all parties to secondary for a more thorough inspection.

During a secondary interview, defendant admitted no relationship to the child and that the child was, in fact, a citizen and native of Mexico who has no entitlements to entry, passage or residency in the United States. A ten-print fingerprint comparison was conducted utilizing the Integrated Automated Fingerprint Identification System (IAFIS) verifying defendant's identity. Defendant was also identified as a recidivist alien smuggler. Defendant was referred to the Prosecutions Unit for further processing.

Defendant was advised of her Miranda rights and agreed to submit to questioning without benefit of counsel. A videotaped interview was conducted wherein the defendant gave the following declaration:

Defendant admitted that she attempted to smuggle the minor child into the United States for the monetary sum of $300 (USD) and deliver her to a Jack in the Box restaurant located on San Ysidro Boulevard in San Ysidro, California. Knowing that the child had no legal right to enter the country, defendant utilized the birth certificate rightfully belonging to defendant's daughter; Lisbeth Victoria Espinoza in an effort to effect the child's illegal entry.

CBP records reflect that on August 31, 2007 and again on October 15, 2007, defendant was arrested at the San Ysidro Port of Entry attempting to smuggle one minor female undocumented alien and one minor male undocumented alien, respectively. On each occasion, Defendant produced a California birth certificate rightful belonging to another, identified child **A** and **C.N.H**, respectively in each event as "Antonio Santiago", claimed to be the mother of each child, and declared each child to be a citizen of the United States by right of birth in Chula Vista, California in an effort to effect each child's illegal entry into the United States.

The birth certificates utilized to smuggle the undocumented alien minors on August 31, 2007, October 15, 2007 and on December 20, 2007 identify the "Mother of Child" as "Cecilia Lisbeth Munoz"; defendant.

SIGNATURE OF COMPLAINANT
Sara Esparagoza, U.S. Customs and Border Protection Enforcement Officer

UNITED STATES MAGISTRATE JUDGE